

REMARKS

I. Status of the Claims

Claims 1, 3-5 and 9 have been amended. No new matter has been added.

Claims 17-28 have been cancelled without prejudice or disclaimer of the subject matter therein.

Claims 1-16 are pending.

II. In Person Interview

Applicant thanks the Examiner for all of the courtesies extended to the Applicant and his representatives on February 19, 2004. Applicant thanks the Examiner for his helpful suggestions regarding the claims and that the current amendment should recite over the HTML 4.0 reference.

III. Rejections Under 35 U.S.C. § 112

Claims 21-27 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Applicant has cancelled claims 21-27 and respectfully requests that the rejection be withdrawn.

III. Rejections under 35 U.S.C. § 102

The IBM Reference

Claims 1-4, 6, 7, and 9-12 are rejected under 35 U.S.C. § 102(b) as anticipated by European Patent Publication No. 0 471 639 to Wang (assignee is IBM - hereinafter "IBM"). The Examiner contends that IBM discloses all the elements of the above claims.

Applicant respectfully disagrees with the Examiner's reading of IBM. IBM describes an "identifying reference" that is contrary to the "handle" recited in claims 1 and 9. Handles of this invention are references to content, not to the location of the content:

Media objects stored on a server or other device connected to the network are accessible by specifying a content reference using an application appropriate for the network. ... [T]he content reference along with supplementary information is packaged in a data structure called a Handle to facilitate rendition of the media. A Handle may be sent to another user by E-mail, Chat, Instant Messaging, Cell Phone protocols or TV/Video links. When the recipient is ready to render the media object referenced by the Handle, the recipient accesses the Handle and activates the appropriate software application such as a media or multi-media player. ... The Handle contains all the information needed to download content, and if applicable complete any commercial transactions pertaining to the use of the content. Specifically, the Handle ... [can include] information identifying each participant in the value chain, i.e., any entity that participated in the creation, resolution or transmission of the content that might receive some compensation for their participation.

Specification, page 2, line 19 to page 3, line 8. Specifically, “[i]nstead of transmitting the content, only a reference to the content is transmitted. When the user receives the reference, the user can access the content directly. The content reference is referred to as a Handle.” Specification, page 4, lines 17-19. The handle identifies “precisely what the content is”. Specification, page 5, line 29 to page 6, line 1 (emphasis added). The handle is distinguished from the prior art because “[c]onventional methods simply send only the location of the content.” Specification, page 2, line 25. Thus, consistent with the Specification and Applicant’s previous arguments, a handle is a discrete bit of information describing just the electronic content and does not contain the location of the content to be rendered. Accordingly, claims 1 and 9 have been amended to specifically state that the “handle identifies a media object independent of a location of the media object.”

In contrast, IBM's "identifying reference" is associated with a particular document stored in a particular location. The identifying reference can be transmitted to a user instead of the document.

IBM's disclosure and claims unequivocally state that "the identifying reference including [sic: includes] identifying information and at least a location wherein the document is stored." IBM, column 2, lines 39-41 and *see*, column 7, lines 28-31 (emphasis added). Thus, IBM's identifying reference cannot anticipate the handle as claimed. IBM requires at least what the claimed handle excludes : a location where the content is stored.

Claim 9 also specifies that the handle is a content reference independent of location. Further, the handle of claim 9 “identifies at least one value-chain participant.” The Examiner contends that IBM inherently discloses value chain participants in the below paragraph:

Once the process has passed block 54, through either of the previously described paths, block 54 illustrates a determination whether or not the originating user requires notification when any document which is identified by an identifying reference is accessed. If notification is required, the process passes to block 56 which depicts the creation and storage of the notification request.

IBM, column 5, lines 36-43. Applicant respectfully disagrees with the Examiner's interpretation of IBM. The above paragraph discloses a system akin to a 'return receipt.' A sender (originating user) and a recipient are known, but there is no identification of value chain participants in the content. Further, the sender/recipient information is not provided in a content reference or handle.

The Specification of the present invention identifies a value chain participant as “any entity that participated in the creation, resolution or transmission of the content that might **receive some compensation for their participation.**” Specification, page 3, lines 6-8 (emphasis added). “Participants include, for example, the artist, the retailer, the network provider, the consumer, the software player vendor, the device manufacturer or licensor, the patent holder, etc.” Specification, page 6, line 2-4. In contrast, only IBM’s originating user receives notification “upon access of the document”. IBM, column 3, lines 3-4. IBM does not teach that the originating user is or may be

compensated for the transmission or handling of the document and does not teach or suggest any other person or entity receiving the notification. Even if IBM's originating user might (e.g. with hindsight), in some cases be a value chain participant, IBM does not suggest or describe such a possibility. IBM does not provide for any indication of any kind that the original user is a value chain participant, and does not send that information to others in a "handle" as claimed. In sum, there is no provision in IBM for identifying an originating user as a value chain participant as part of the information contained in the presently claimed handle.

Further, IBM discloses that the "notification requirement is stored with a document and is referred to each time the document is accessed." IBM, column 2, line 58 to column 3, line 3 (emphasis added). IBM is again in contrast with the claimed invention, wherein "the handle identifies ... at least one value-chain participant." Thus, the value chain information of the present invention is stored in the handle. It is not stored in the document. Also, as discussed above, the handle is independent of the document and its location and the handle is not transmitted with the document. Thus, IBM does not anticipate the elements of claim 9.

Claims 2-4, 6, 7, and 10-12 depend from claims 1 and 9 and are allowable based at least on their dependency to the independent claims and Applicant respectfully requests that the above rejections to claims 1-4, 6, 7, and 9-12 be withdrawn.

The HTML 4.0 Reference

Claims 1 and 3-8 stand rejected under 35 U.S.C. § 102(b) as anticipated by the World Wide Web Consortium's (W3C) HTML 4.0 Specification ("HTML 4.0"). The Examiner contends that

HTML 4.0 discloses every element of the claimed invention. Applicant respectfully traverses this rejection.

As stated above, a handle is a discrete bit of information describing just the electronic content and does not contain the location of the content to be rendered. Accordingly, claim 1 has been amended to specifically state that the “handle identifies a media object independent of a location of the media object.”

The Examiner contends that a Universal Resource Identifier (“URI”) anticipates the handle of the present invention as claimed in claim 1. However, a URI “typically consists of ... the name of the machine hosting the [electronic content] ... the name of the [electronic content], given as a path ... [and a] URI may be read as follows: There is a document available ... residing on ... machine ... accessible via the path ...” HTML 4.0, section 2.1.1. Thus, a URI specifically identifies the location (path) of the electronic content. This is in contrast to a handle as claimed.

Further, Applicant previously argued that HTML 4.0 is not an enabling reference and that the Examiner applied hindsight to reject the claims. HTML 4.0 is a shopping list of hundreds of possible programming commands, with no motivation, suggestion, or guidance to use any of them, in any combination or way to make and use “handles” as described and now claimed. The Examiner did not address Applicant’s previous argument in the pending Office Action. Applicant respectfully repeats the prior argument by reference to the Amendment filed July 3, 2003. The Examiner is asked to reconsider and withdraw the rejection, particularly in light of the amended claims. Additionally, claims 3-8 depend on claim 1 and are allowable at least based on their dependency to the independent claims and HTML 4.0 does not anticipate claim 1.

Furthermore, at the interview of February 19, 2004, the Examiner indicated that this rejection would likely be withdrawn.

The Mirashrafi Reference

Claims 13-15 are rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,199,096 to Mirashrafi et al. ("Mirashrafi"). The Examiner contends that Mirashrafi discloses a system wherein a first user, who is browsing the Internet, can transmit an "information identifier" to a Bridgeport (a.k.a. a bridge server). The bridgeport transmits the information identifier to a second user and the second user is "synchronized" with the first user in that the second user is directed to the same web page being viewed by the first user.

Applicant respectfully traverses the rejection because Mirashrafi defines an embodiment of his invention where "the information identifiers are uniform resource locators (URLs)." Mirashrafi, column 3, lines 50-51. A handle is not a URL. HTML 4.0 identifies a URL as "a subset of the more general URI naming scheme." HTML 4.0, section 2.1.1. Claims 13-15 depend from claim 1 and claim 1 recites that "the handle identifies the media object independent of a location" and the argument above regarding URIs is applicable in traversing this rejection. A URL points to a location. The content of that location can be changed. Web pages, for example, can be updated without changing the URL. In the "handle" of the invention, the content identified by the handle does not change, while the location can change. Indeed the same content can reside in many locations.

Although Mirashrafi discloses a URL as his information identifier, he suggests that "other identifiers can be used within the spirit and scope of the present invention." Mirashrafi, column 5,

The Roberts Reference

Claims 26-28 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 5,987,525 to Roberts et al. ("Roberts"). The Examiner states that Roberts discloses all of the elements of the claimed invention. Applicant respectfully states that claims 26-28 have been cancelled and this rejection has been rendered moot.

IV. Rejections under 35 U.S.C. § 103

Claims 16 and 21-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable for obviousness over Mirashrafi in view of U.S. Patent No. 6,161,137 to Ogdon et al. (“Ogdon”). Applicant submits that claim 16 depends from claim 1, and the argument above, regarding Mirashrafi, is applicable is traversing this rejection. Additionally, claims 21-25 have been cancelled and the rejection to these claims has been rendered moot.

Claims 17 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable for obviousness over Mirashrafi. Claims 18 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable for obviousness over Mirashrafi in view of U.S. Patent No. 6,167,567 to Chiles et al. (“Chiles”). Applicant has cancelled claims 17-20 and has rendered both rejections moot.


CONCLUSION

Therefore, in view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

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